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As I'm sure many have pointed out, according to the "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government" Executive Order—which bases sex on the size of the reproductive cell at conception—all of us are biologically female.

Even without that, my gender is (approximately) 'woman', so this Executive Order is ostensibly designed to defend me. How will the government create definitions of 'male' and 'female' that protect me? Indeed, how will the government determine whether I am one of the protected? While the Order seeks to distill the complex biological question of sex down to a single criterion, the science is clear: there are dozens of factors that make up biological sex/gender, such that the majority of those who study sex, gender, and reproduction say that the most reliable way to discern someone's sex is to ask them. This was also the policy for renewing US Passports until the Order was issued.

But science is not practically relevant: even if the Order's definition were a legitimate way to discern sex, no American has documentation proving the size of their reproductive cell at conception. How would this determination be made by those who process US Passports? How will the status be defensibly verified under the law?

Historically, the best approximation of 'sex' for documentation purposes is a letter that appears on a birth certificate. This too is based on a single criterion: the appearance of one's genitals at birth according to a medical professional. Presumably, the Order chose not to define sex that way so as not to leave too much to the states; birth certificates can be changed, and so can genitals. But, almost all of the other facets of biological sex—hormones, chromosomes, reproductive organs—lack documentation sufficient to prove one's sex for the purposes of renewing a US Passport.

Will an agent of the state use the sex on my Passport to determine my rights, eligibilities, or status? Will the appearance of my genitals or the makeup of my chromosomes require verification in order for me to travel, or prove that I am the person named on my Passport? What document would allow Customs to confirm the size of my gamete?

The Federal Government will be unable to produce definitions of 'male' and 'female' that include all those they wish to protect and exclude all they wish to punish, as no such definition exists—biologically, socially, sexually, scientifically, and practically, that paradigm is insufficient. Doubtless this will be strong-armed away soon enough; substituted with magical thinking and authoritarian tactics, but as long as US Courts still function—however feebly—I expect them to protect my rights.

My preferred gender marker is 'X'. For me personally, 'X' does not represent identity; it is simply an assertion of my right to privacy under the US Constitution. The appearance of my genitals, the makeup of my chromosomes, the size of my gametes, and whatever else, are irrelevant to my US Passport, and are legally and practically difficult to verify—it is not the business of the government to inspect my genitals (at least not yet). Choosing the gender marker which appears on my US Passport, including 'X', is therefore my right as a Passport holder.

In short, I urge you to uphold the people's right to renew their US Passport and change gender markers, including 'X', without legal restriction, in accordance with precedent.

Thank you for your time.